

## **Standards of Employee Conduct and Responsibility**

Elements of the contractor's standards of employee conduct shall include, but are not limited to, the following:

### **1. Personal Conduct**

- a. The use of illegal drugs or narcotics or the abuse of any drug or narcotic is strictly prohibited at any time. Use of alcohol while on duty or immediately prior to reporting to duty, or being under the influence of alcohol while on duty, is prohibited.
- b. Employees shall conduct themselves in a professional manner at all times when dealing with inmates and others. Prohibited conduct includes:
  - (1) The use of brutality, physical violence, intimidation, verbal abuse, group punishment or capricious disciplinary actions against an inmate, or any force used beyond that which is reasonably necessary to subdue an inmate. Further, employees may never strike a restrained inmate.
  - (2) Showing partiality toward or becoming emotionally, physically, sexually, or financially involved with any inmate or former inmate.
  - (3) Displaying favoritism or preferential treatment to one inmate, or group of inmates, over another. Further, employees are prohibited from allowing any inmate or group of inmates to have control or authority over other inmates.
  - (4) Offering or giving any article, favor, or service to an inmate or former inmate, or an inmate's family member or to any person known to be associated with an inmate or former inmate, which is not authorized in the performance of the employees duties. Neither shall an employee accept any gift, personal service or favor from an inmate or former inmate, or from an inmate's family member or associate.
  - (5) Entering into any business relationship with inmates, former inmates, or their families.

- (6) Having other than incidental outside contact with an inmate, former inmate, or an inmate's family member or associate.
  - (7) Use of obscene or verbally abusive language when communicating with inmates or others. Employees will not be demeaning to inmates, former inmates, their families or friends, or others.
- c. Employees are prohibited from engaging in criminal conduct. Employees are further prohibited, while on Government property, to participate in games for money or other personal property, the operation of gambling devices, conducting a lottery or pool, or selling or purchasing numbers tickets.

Illegal activities on the part of any contract employee, in addition to being unlawful, reflect on the integrity of the Bureau and betray the trust and confidence placed in it by the public. It is expected that contract employees shall obey not only the letter of the law, but also the spirit of the law while engaged in personal or official activities. Should an employee be charged with, arrested for, or convicted of any felony or misdemeanor, that employee must immediately inform and provide a written report to the Warden. Traffic violations resulting in fines under \$150 shall be exempt from the reporting requirement.

- d. Employees are prohibited from engaging in sexual harassment in violation of the Civil Rights Act of 1964, as amended.

## 2. **Responsiveness**

- a. Employees shall be required to remain fully alert and attentive during duty hours.
- b. All Employees shall respond immediately and effectively to all emergency situations.

## 3. **Confidentiality**

- a. Employees will have access to official information with varying degrees of sensitivity. To protect this information, official information may be disclosed or released only as required in the performance of an

employee's duties or upon specific authorization from the CO.

- b. Employees shall not deny authorized persons access to official information, personnel or institution records.

#### 4. Government Property

Employees shall only use Government property for official business. Employees are responsible for protecting Federal property from loss, misuse, misplacement, theft or damage, and are prohibited from creating any hazard on Government property to persons or things.

#### 5. Prison Identification

Employees shall not use their prison credentials, identification cards or badges to coerce, intimidate, or deceive others to obtain any privilege not otherwise authorized in the performance of their duties.

#### 6. Introduction of Contraband

- a. Employees are prohibited from the introduction of contraband into or onto Federal property without the expressed consent of the CO. Contraband shall include any object used to threaten the order, discipline or security of the institution, or life, health or safety of an individual. (Examples of contraband are: weapons, explosive devices, firearms, alcohol, drugs, photographic equipment, computer software, recording devices etc.)
- b. All employees may be subject to drug/alcohol testing, or searches of their person or personal belongings, upon a finding by the Warden that reasonable suspicion exists an employee is in possession of contraband, which if introduced, could endanger the safety of staff or inmates, or the security of the institution. Searches may also be conducted when the Warden has reasonable suspicion an employee is removing contraband or Federal property from the institution.

#### 7. Sanctions for Misconduct

- a. A schedule of penalties for violations of the standards of conduct shall be developed. The schedule

may provide a range of penalties to account for varying circumstances surrounding instances of misconduct. Penalties may include reprimand, suspension, demotion, or removal.

The schedule may also provide a range of penalties for repetitive and subsequent violations by the same employee.

- b. The CO may direct the contractor to remove any employee from the contract for failure to comply with the standards of employee conduct.
- c. If an office of Inspector General (OIG), BOP Office of Internal Affairs (OIA), or local investigation reveals a violation of a standard of conduct, the Warden, shall ensure the sanction imposed is consistent with the schedule of penalties.

#### **8. Reporting Misconduct**

- a. Employees shall report all violations, or apparent violations, of the standards of conduct immediately to the Warden or designee. Employees shall not be prohibited from referring matters directly to the OIG or OIA.
- b. The Warden or designee shall immediately report all allegations and appearances of misconduct or impropriety to the CO.

#### **9. Investigations of Misconduct**

The OIG is responsible for investigating violations of laws and regulations committed by Department of Justice employees and its contractors for appropriate criminal prosecution, civil litigation and administrative action. The OIA is responsible for ensuring allegations and appearances of misconduct and impropriety, including criminal matters, are referred immediately to OIG. OIA's investigative authority is delegated by OIG.

- a. The contractor is prohibited from conducting internal investigations of employee misconduct or apparent misconduct, without the expressed authority from the OIG, OIA, or the CO.
- b. The BOP employee liaison on issues related to employee

misconduct shall have access to records pertaining to allegations and instances of employee misconduct. The liaison may conduct investigations of misconduct and review the contractor's enforcement of the standards of conduct.

- c. The contractor and all employees shall fully cooperate in any internal or external investigations. The BOP shall have access to all personnel, operational and corporate records for the purpose of conducting investigations, inspections and audits.
- d. The contractor will not conduct preliminary investigations without approval from the CO. Any preliminary investigation is limited to gathering statements from victims and witnesses and collecting relevant documents. All information and documents gathered during a preliminary investigation shall be provided to the CO.
- e. With the approval of the CO, a confidential medical examination of any inmate(s) who allege physical abuse shall be conducted.
- f. If the contractor is authorized by the CO to conduct a local investigation, a report shall be prepared and submitted no later than 45 days after the investigation is authorized. The report shall contain findings of fact, conclusions based on evidence documents and affidavits. The contractor shall provide periodic updates to the CO concerning all on-going local investigations.
- g. Polygraph examinations, body wires, electronic listening devices and/or consensual telephone monitoring during any local investigation shall be approved by OIA.
- h. The contractor shall maintain and preserve all documents compiled during an internal investigation. No investigative records shall be destroyed without the expressed permission of the CO.

10. **Employee Training**

- a. Employees and volunteers shall be provided a copy of the standards of conduct and the contractor shall maintain documentation verifying receipt.

- b. A procedure through which employees and volunteers receive training regarding the standards of conduct, as part of their institutional familiarization and annual training, shall be established which defines the minimum number of hours received each year.
- c. To deter misconduct, employees shall be provided advice regarding the standards of conduct.